



Oklahoma International Trade Bulletin

301 N. W. 63rd Street, Suite 330
Oklahoma City, Oklahoma 73116
405/608-5302 Fax: 405/608-4211

900 North Stiles Avenue
Oklahoma City, Oklahoma 73104
405/815-5215 Fax: 405/815-5245

700 North Greenwood Avenue, Suite 1400
Tulsa, Oklahoma 74106
918/581-7650 Fax: 405/581-6263

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Doing Business in Japan Workshop to be held in Oklahoma City on January 24th and Tulsa on January 25th

The Japan External Trade Organization (JETRO), Oklahoma U. S. Export Assistance Center, and the Oklahoma Department of Commerce in coordination with the Greater Oklahoma City Chamber of Commerce and the Tulsa Metro Chamber of Commerce, will host a workshop in Oklahoma City on January 24, 2006, and in Tulsa on January 25, 2006, on *Doing Business in Japan*.

Registration will begin at 10:00 a.m. The workshop will be held from 10:30 a.m. to 1:00 p.m. The Oklahoma City workshop will be located in Gallery I-I at the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City. The Tulsa workshop will be located in room 150 of the North Hall at the OSU-Tulsa, 700 North Greenwood Avenue, Tulsa.

The workshop will include a discussion of the market, culture, and infrastructure in Japan, and other topics that would attract active partici-

pation. Any company interested in exporting to Asia and Japan would benefit from the workshop, which will include comments from Oklahoma companies already doing business in Japan. Participants will also receive advice on the benefits of trade ties with Japan and partnerships with Japanese industries that could tap into worldwide markets.

There is no cost to attend the

workshop, but *advance registration is required by January 20, 2006*, due to limited seating. The workshop will also include a catered luncheon of Japanese cuisine hosted by JETRO.

For your convenience, a registration form is included on page 3 of this newsletter.

For further information or registration, call 405/608-5302 or 918/581-7650.



Small and Medium-Sized Enterprises (SMEs) China Intellectual Property Rights (IPR) Advisory Program

The U. S. Department of Commerce, in cooperation with the Ameri-

can Bar Association, the National Association of Manufacturers, and the

American Chamber of Commerce in China, have established a new China Intellectual Property Rights Advisory Program. Through this program, American small and medium-sized enterprises can request a free, one-hour consultation with a volunteer attorney experienced in both IPR issues and the Chinese market to learn how to protect and enforce intellectual property rights, such as trademarks, patents or copyrights, in China. The SME China IPR Advisory Program seeks to:

- ◆ Help American businesses understand the steps they must take to develop an intellectual property protection strategy for the Chinese market;

- ◆ Help U. S. companies facing China-related IPR disputes pursue resolution to their problems; and

- ◆ Reinforce the message that is essential for U. S. companies to take action to protect and enforce their IPR in accordance with China's civil, administrative and criminal laws, and that failing to act can have devastating consequences for future business.

To request a free consultation with a volunteer attorney or obtain additional information regarding this Program, please contact Christina Heid of the American Bar Association preferably by e-mail to introl@staff.abanet.org, with the subject line "SME China IPR Advisory Program- Request for Assistance," or by telephone at (202) 662-1034.

Useful Intellectual Property Websites

I. To File for a:

A. Copyright Registration

1. U. S.

a. The U. S. Copyright Office (<http://www.copyright.gov>) is responsible for registering copyright claims.

b. Copyright registration information can be found at <http://www.copyright.gov/register/>.

2. Foreign

a. There is no such thing as an "international copyright" that will automatically protect a work throughout the world. Protection against unauthorized use in a particular country basically depends on the national laws of that country. However, most countries offer protection to foreign works under certain conditions that have been greatly simplified by international copyright treaties and conventions. Even if the work cannot be brought under an international convention, protection under the specific provisions of the country's national laws may still be possible. A listing of countries and the nature of their copyright relations with the United States is available at <http://www.copyright.gov/circs/circ38a.pdf>.

3. Filing Fees

a. The U. S. Copyright Office fee schedule for filing a copyright claim can be found at <http://www.copyright.gov/docs/fees.html>.

B. Patent

1. U. S.

a. The U. S. Patent and Trademark Office (<http://www.uspto.gov/main/patents.htm>) is responsible for granting and administering U. S. patents.

b. Information on "How to Get a Patent" may be found at <http://www.uspto.gov/web/patents/howtopat.htm>.

c. A U. S. patent application can be filed directly over the Internet using the U. S. Patent and Trademark Office's Patent Electronic Filing System (<http://www.uspto.gov/ebc/efs/index.html>). The U. S. Patent and Trademark Office Inventors Assistance Center provides patent information and services to the public. The IAC is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure. The IAC website can be found at <http://www.uspto.gov/web/patents/iac/>.

www.uspto.gov/web/.

d. Additional general information on patents can be found on the U. S. Patent and Trademark webpage dedicated to "Inventor Resources" (<http://www.uspto.gov/web/offices/com/iip/index.htm>).

2. Foreign

a. The United States is a member of the Patent Cooperation Treaty ("PCT"), an international patent filing treaty, which streamlines the process for U. S. inventors and businesses to obtain protection in over 126 member countries. By filing one international application with the U. S. Patent and Trademark Office, U. S. applicants can simultaneously seek protection in member countries. Information on the Treaty and registration is available and a list of PCT members is available.

3. Filing Fees

a. Information on the U. S. Patent and Trademark Office fee schedule for trademark and patent registration fees can be found at <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>.

C. Trademark Registration

1. U. S.

a. The U. S. Patent and Trademark Office (<http://www.uspto.gov>) is responsible for registering U. S. trademarks.

b. A U. S. trademark application can be filed directly via the Internet, at a cost savings over paper filing, using the U. S. Patent and Trademark Office's Trademark Electronic Application System (TEAS) (<http://www.uspto.gov/teas/index.html>).

2. Foreign Trademark Registrations

a. The United States is a member of the Madrid Protocol, an international trademark filing treaty that streamlines the process for a U. S. trademark owner to obtain protection in up to 66 member countries. A U. S. trademark owner can file a single application, in English, at the USPTO website, pay in

U. S. Dollars, and seek registration in any or all of the countries that are members, as the applicant designates. Information on the Madrid Protocol and registration is available <http://www.uspto.gov/web/trademarks/madrid/madridindex.htm>.

3. Filing Fees

a. Information on the U. S. Patent and Trademark Office fee schedule for trademark and patent registration fees can be found at <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>.

II. Recording Intellectual Property with the U. S. Customs and Border Protection

A. Copyright

1. Recording with U. S. Customs & Border Protection

a. Once a company has registered its copyright claim, it should record its registration with U. S. Customs and Border Protection (“CBP”) (http://www.cbp.gov/xp/cgov/import/commercial_enforcement/ipr/). Recordation aids in the border enforcement of intellectual property rights by keeping foreign infringing goods from being imported into the United States.

b. Specific information about recording registered copyrights with CBP is available at <http://www>.

customs.gov/linkhandler/cgov/import/commercial_enforcement/ipr/copyrightRecordationTemplate.ctt/copyrightRecordationTemplate.doc

B. Trademark

1. Recording with U. S. Customs & Border Protection

a. Once a company has registered its trademark, it should record its registration with U. S. Customs and Border Protection (“CBP”) (http://www.cbp.gov/xp/cgov/import/commercial_enforcement/ipr/). Recordation aids in the border enforcement of intellectual property rights by keeping foreign infringing goods from being imported into the United States.

b. Specific information about recording registered trademarks with CBP is available at http://www.customs.gov/linkhandler/cgov/import/commercial_enforcement/ipr/trademarkRecordationTemplate.ctt/trademarkRecordationTemplate.doc.

III. To Report Counterfeit or Pirated Goods

A. Imports

1. U. S. Customs and Border Protection

a. If you suspect counterfeit goods are being imported into the United States and wish to prevent the importation of the goods, you should

report your suspicions to the U. S. Customs and Border Patrol IPR Help Desk by telephone at (562) 980-3119 x252 or via email at ipr.helpdesk@dhs.gov.

2. National Intellectual Property Rights Coordination Center

a. If you suspect “criminal” violations of intellectual property rights as a result of counterfeit goods being imported in the United States, you may report your suspicions to the criminal investigators at the National Intellectual Property Rights Coordination Center (<http://www.ice.gov/graphics/cornerstone/ipr/>) via its website complaint form.

3. U. S. International Trade Commission Import Exclusion Order

a. If you are experiencing a regular problem with infringing imports, you should consider filing an investigation pursuant to 19 U. S.C. § 1337, known as a Section 337 investigation. Section 337 declares it unlawful to import items that infringe utility and design patents, as well as registered and common law trademarks, and registered copyrights. The U. S. International Trade Commission (“USITC”) (<http://www.usitc.gov>) will conduct an investigation and if it determines that the imports violate

Doing Business in Japan Workshop

January 24, 2006 - Oklahoma City
Oklahoma Department of Commerce
900 North Stiles Avenue
Gallery I-I
Oklahoma City, Oklahoma

January 25, 2006 - Tulsa
OSU-Tulsa
700 North Greenwood Avenue
Room 150, North Hall
Tulsa, Oklahoma

Doing Business in Japan Registration Form - Send by January 20, 2006

Mail to: 301 N. W. 63rd St., Suite 330; Oklahoma City, OK; 73116

Fax to: (405)608-4211 or (918)581-6263 **E-mail to:** oklahomacity.office.box@mail.doc.gov

Name: _____ Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

e-mail: _____ Website: _____

Number of Attendees: _____

Check which workshop you will be attending: Oklahoma City _____ Tulsa _____

Section 337, it may issue an exclusion order barring the products at issue from entry into the United States, as well as a cease and desist order directing the violating parties to cease certain actions. The U. S. Customs and Border Protection (CBP) enforces the exclusion orders. USITC provides information on Section 337.

b. USITC also has a Trade Remedy Assistance Office (“TRAO”) that provides information to small businesses concerning the remedies and benefits available under U. S. trade laws; and assists eligible small businesses in preparing and filing a Section 337 complaint. Information about the TRAO is available here or it can be reached by telephone at (800) 343-9822 or (202) 205-2200, or by facsimile at (202) 205-2139.

B. Internet Sales

1. If you suspect products for sale on the Internet are counterfeit or pirated, you can report your suspicions to the Federal Bureau of Investigation Internet Fraud Complaint Center via the Internet. An electronic complaint form is available at <http://www.ifccfbi.gov/index.asp>.

C. Retail Sales

1. The Federal Bureau of Investigation (“FBI”) (<http://www.fbi.gov>) investigates criminal counterfeiting, piracy, and other federal crimes. You can report suspicions concerning the manufacture or sale of counterfeit or pirated goods to the FBI by contacting your local FBI Office and asking to speak with the Duty Complaint Agent. To obtain contact information for your local FBI office, you can call (202) 324-3000 or visit the cybercrime website at <http://www.cybercrime.gov/reporting.htm>.

IV. U. S. Intellectual Property Laws

A. Copyright

1. U. S. copyright laws and regulations are available <http://www.copyright.gov/laws/>.

B. Criminal

1. Information about U. S. criminal intellectual property laws is available at the U. S. Department of Justice website: <http://www.cybercrime.gov/ip.html>.

C. Patent

1. U. S. patent laws and regulations are available at <http://www.uspto.gov/web/patents/legis.htm>.

D. Trademark

1. U. S. trademark laws and regulations are available at <http://www.uspto.gov/web/offices/tactmlaw2.html>.

V. Information on Intellectual Property in:

A. Brazil

1. The U. S. Government has issued a commercial guide to Brazil, which contains an overview of intellectual property regime in Brazil including information on protecting intellectual property rights in Brazil, the patent application process and enforcement of copyright violations. The information can be found at http://www.buyusainfo.net/docs/x_9293245.pdf.

B. China

1. The U. S. Government has created an “IPR Toolkit”, which describes the intellectual property environment in China and provides information about how to obtain and enforce intellectual property rights in China. The toolkit is available at <http://beijing.usembassy-china.org.cn/ipr.html>.

2. The China Trademark Office maintains authority over trademark registration and administrative enforcement of trademark rights. Its website can be found at http://sbj.saic.gov.cn/english/index_e.asp.

3. The State Intellectual Property Office (China’s patent office) is responsible for granting patents. Its website can be found at http://www.sipo.gov.cn/sipo_English/default.htm.

4. The Quality Brands Protection Committee (“QBPC”), a private right holders organization, is comprised of

more than 100 multinational companies in China that work cooperatively with the Chinese government to combat counterfeiting. Its website can be found at <http://www.qbpc.org.cn>.

C. Europe

1. Information about how to protect intellectual property in Europe is available in the European Union (“EU”) International Market Insight Report, which was published by the U. S. Government. The report is available at http://www.stopfakes.gov/stop_fakes_gov/IPprotectioninEU.pdf.

2. The EU Intellectual Property Rights (IPR) Helpdesk can provide information about obtaining and protecting intellectual property in the European Union. For more information about the Helpdesk, please visit its website at <http://www.ipr-helpdesk.org/index.htm>.

3. The European Patent Office is responsible for granting patents. Its website can be found at <http://www.european-patent-office.org>.

4. The U.S Government issued an EU market research report highlighting some of the key differences between patent law in the United States and the European Union Member States, and examines the options available to U. S. companies looking to secure patent protection in the European Union.

5. The European Commission established a regional intellectual property rights project to support the economic development for Albania, Bosnia and Herzegovina, Croatia, Macedonia, and Serbia and Montenegro through effective and adequate protection and enforcement of industrial and intellectual property rights in line with European and international obligations.

D. India

1. The Controller General of Patents, Designs and Trade Marks is responsible for granting and administering patents and trademarks in India.

The website for the Controller General is <http://www.patentoffice.nic.in/>.

E. Korea

1. The U. S. Government has created an “IPR Toolkit”, which describes the intellectual property environment in Korea and provides information about how to obtain and enforce intellectual property rights in Korea.

F. Mexico

1. The U. S. Government has created an “IPR Toolkit”, which describes the intellectual property environment in Mexico and provides information about how to obtain and enforce intellectual property rights in Mexico. The toolkit is available here.

For the previous countries just listed, the U. S. Government publishes an annual report, called the Special 301 Report, analyzing the situation in countries with inadequate intellectual property rights protection enforcement. The 2005 Special 301 Report, issued by the Office of the U. S. Trade Representative (“USTR”) (<http://www.ustr.gov>), is available at http://www.ustr.gov/Document_Library/Reports_Publications/2005/2005_NTE_Report/Section_Index.html.

The U. S. Government also publishes an annual report, called the National Trade Estimate on Foreign Trade Barriers, which summarizes significant foreign barriers to U. S. exports, including intellectual property rights barriers. The 2005 National Trade Estimate Report, also issued by USTR (<http://www.ustr.gov>), is available at http://www.ustr.gov/Document_Library/Reports_Publications/2005/2005_NTE_Report/Section_Index.html.

VI. U. S. Private Sector Intellectual Property Rights Organizations

A. Association of American Publishers

The Association of American Publishers (“AAP”) is the national trade association of the U. S. book

publishing industry. For information about AAP’s anti-piracy program, please visit <http://www.publishers.org/antipiracy/index.cfm>.

B. Entertainment Software Association

The Entertainment Software Association (“ESA”) represents companies that publish video and computer games for video game consoles, personal computers and the Internet. Information on ESA’s intellectual property programs is available <http://www.theesa.com/ip/index.php>.

C. Motion Picture Association of America

The Motion Picture Association of America (“MPAA”) advocates on behalf of the American motion picture, home video and television industries. Information on MPAA’s efforts to combat piracy is available at <http://www.mpa.org/anti-piracy/>.

D. Pharmaceutical Research and Manufacturers of America

The Pharmaceutical Research and Manufacturers of America (“PhRMA”) represents U. S. pharmaceutical and biotechnology companies. Information on PhRMA’s intellectual property programs can be viewed at <http://www.phrma.org/issues/intprop/>.

E. Recording Industry Association of America

The Recording Industry Association of America (“RIAA”) is the trade group that represents the U. S. recording industry. Information on RIAA’s efforts to combat piracy is available at <http://www.riaa.com/issues/piracy/default.asp>.

E. U. S. Chamber of Commerce

1. The U. S. Chamber of Commerce’s advocacy efforts on behalf of U. S. companies include obtaining increased intellectual property rights protection and enforcement actions with trading

partners. Information on the U. S. Chamber’s intellectual property rights efforts is available at <http://www.uschamber.com/issues/index/international/ipr.htm>.

2. A list of the American Chambers of Commerce abroad is available at <http://www.uschamber.com/international/directory/default.htm>.

VII. International Private Sector Intellectual Property Rights Organizations

A. Biotechnology Industry Organization

The Biotechnology Industry Organization (“BIO”) represents biotechnology companies, academic institutions, state biotechnology centers and related organizations. Information on BIO’s intellectual property efforts can be viewed at <http://www.bio.org/ip/>.

B. Business Software Alliance

The Business Software Alliance (“BSA”) is a global organization that advocates on behalf of the commercial software industry. Information on BSA’s anti-piracy efforts is available at <http://www.bsa.org/usa/antipiracy/>.

C. Coalition for Intellectual Property Rights

The Coalition for Intellectual Property Rights’ (“CIPR”) mission is to advance intellectual property rights protection, enforcement and reform in the Commonwealth of Independent States and the Baltic States through public-private partnerships. For more information on CIPR, please visit <http://www.cipr.org/index.php>.

D. International Chamber of Commerce

The International Chamber of Commerce (“ICC”) is a global business organization with a mission to serve world business by promoting trade and investment, open markets for goods and services, and the free flow of capital. Information on

ICC's IPR efforts is available at http://www.iccwbo.org/home/menu_intellectual_property.asp.

E. International Federation of the Phonographic Industry

1. The International Federation of the Phonographic Industry ("IFPI") represents the recording industry worldwide. Information on IFPI's anti-piracy efforts is available at http://www.ifpi.org/site-content/antipiracy/what_is_piracy.html.

F. International Intellectual Property Alliance

1. The International Intellectual Property Alliance ("IIPA") is a coalition formed to represent the U. S. copyright-based industries in their efforts to improve international protection of copyrighted materials. Information on IIPA's efforts is available at <http://www.iipa.com/index.html>.

G. International Trademark

Association

The International Trademark Association ("INTA") is an association dedicated to the support and advancement of trademarks and related intellectual property. Its website can be found at <http://www.inta.org>.

For further information, please contact either one of the Oklahoma offices.

January 2006 Calendar of Events

| <i>Date</i> | <i>Event</i> | <i>Contact</i> |
|--------------------|---|---------------------------------|
| January 3, 2006 | <i>Minority and Women's Breakfast</i> Metro Tech Conference and Banquet Center, Oklahoma City | Aquilla Pugh 405/427-4444 |
| January 24, 2006 | <i>Doing Business in Japan Workshop</i> Oklahoma Department of Commerce, Oklahoma City | 405/608-5302 or 918/581-7650 |
| January 25, 2006 | <i>Doing Business in Japan Workshop</i> OSU-Tulsa, Tulsa | 918/581-7650 405/608-5302 |